

REMARKS

Claims 24, 27-40, 45, 58-59, 63-69, 71, 73-84, 86 and 88-102 are pending. By this Amendment, claims 59, 71 and 86 are amended. No new matter is added. Reconsideration in view of the following remarks is respectfully requested.

Applicants thank Examiner Brown for the courtesies extended to Applicants' representative during the May 8, 2008 telephone interview. Applicants' summary of the substance of the interview is incorporated in the following remarks.

I. The Claims Satisfy the Requirements of 35 U.S.C. §112, Second Paragraph

The Office Action rejects claims 24, 59, 67-68, 71, 83 and 86 under 35 U.S.C. §112, second paragraph, as being indefinite. This rejection is respectfully traversed.

Initially, it is understood that this rejection is applied to dependent claims 59, 67, 71 and 86, but not to independent claims 24, 68 and 83, because no basis was set forth to reject the independent claims.

The Office Action asserts that the cited dependent claims contain duplicate recitations, but this is incorrect, as discussed below.

First, independent claims 24, 68 and 83 recite that the metallic layer (or laser-resistant layer, in claim 68) does not overlap "a peripheral portion of the sheet member." As discussed during the interview, this is not a duplicate recitation with respect to dependent claims 59, 71 and 86, because "a peripheral portion" as recited in the independent claims does not necessarily extend around the entire periphery, whereas dependent claims 59, 71 and 86 define the peripheral portion as extending "along an entire periphery of the sheet member," and recites that the metallic layer (or laser-resistant layer) does not overlap "any part of the peripheral portion." However, the dependent claim language is rephrased in accordance with the discussion with the Examiner to recite that the metallic layer (or laser-resistant layer) "does not overlap any peripheral portion of the sheet member." This amendment does not

change the scope of these claims. It was agreed during the interview that this claim language satisfies the requirements of 35 U.S.C. §112, second paragraph.

Second, claim 24 recites that the plan-view shape is "continuous over the eyeball-covering area," whereas claim 67, which depends from claim 24, recites that the plan-view shape is "continuous over its entirety." These are not duplicate recitations. The recitation in claim 67 is narrower. It was agreed during the interview the claim 67 satisfies the requirements of 35 U.S.C. §112, second paragraph.

Accordingly, it is respectfully requested that the rejection under 35 U.S.C. §112, second paragraph be withdrawn.

II. The Applied Primary Reference Is Not Prior Art

The Office Action rejects claims 24, 30, 34, 40, 45, 58-59, 63-65, 67-69, 71, 76-77, 79-84, 86, 91-92 and 94-102 under 35 U.S.C. §102(b) as being anticipated by "Laser Aid 'Disposable Laser Eye Shield'" (hereafter "Laser Aid"), and rejects the remaining claims under 35 U.S.C. §103(a) as obvious from Laser Aid, alone or in view of various other references. These rejections are respectfully traversed.

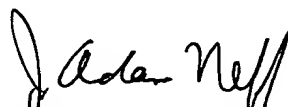
Laser Aid, which is marketed by the assignee of this application, was not publicly used, or sold or offered for sale, more than one year prior to the filing date of this application, and was not known or used by others before the invention of the claimed subject matter. See the attached Declaration Under 37 C.F.R. §1.132. Laser Aid is not prior art to this application under 35 U.S.C. §102(b), or any other subsection of §102. Accordingly, the rejections are improper and must be withdrawn.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 24, 27-40, 45, 58-59, 63-69, 71, 73-84, 86 and 88-102 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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WPB:JAN/hs

Date: May 27, 2008

Attachment:

Declaration Under 37 C.F.R. §1.132

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